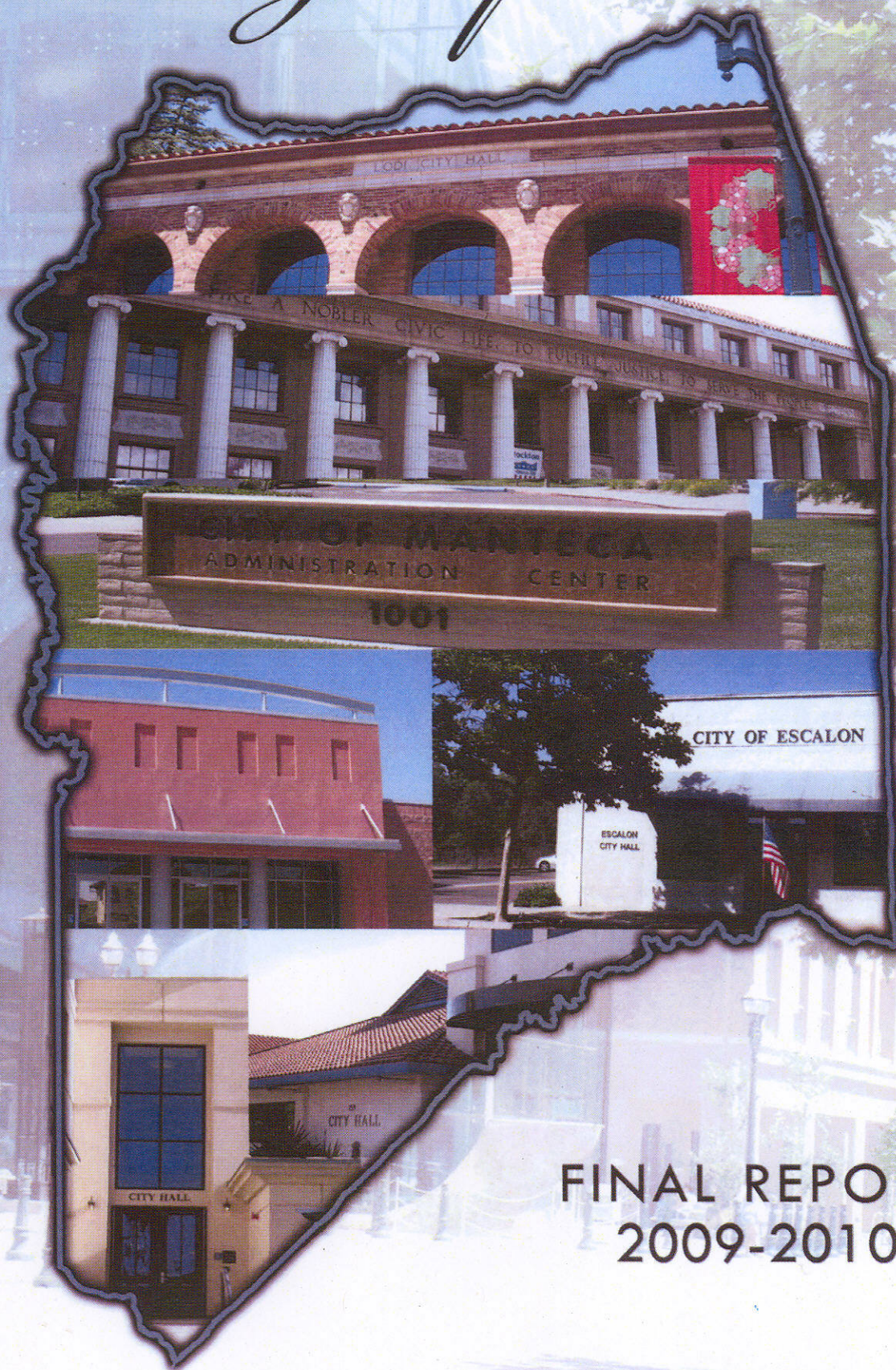


SAN JOAQUIN COUNTY

# *Grand Jury*



FINAL REPORT  
2009-2010



## **DEUEL VOCATIONAL INSTITUTION**

<http://www.cdcr.ca.gov/Visitors/Facilities/DVI.html>

(Awarded 2009 Best State Web Site)

<http://www.cdcr.ca.gov/index.html>

### **OBSERVATIONS**

The Grand Jury understands the limitations imposed upon detention facilities due to the current economic situation. The Grand Jury also understands that conditions and operations are imposed upon this facility by CDCR. DVI administration is meeting CDCR mandates as a reception center. Infrastructure repairs have been limited by state funding priorities. Budget cuts have also eliminated job training programs.

The Grand Jury supports the Warden in efforts to develop programs to provide a safe working environment for staff. DVI continues to deal with constraints of custodial regulations despite overcrowding.

The DVI Fire Department is first responder for this location. The Fire Chief recently transferred from San Quentin Prison Fire Department. The Fire Chief and two Fire Captains oversee an inmate crew of firefighters. DVI recently acquired two fire engines from the State Office of Emergency Services.

DVI instituted a proven program, WorkNet, offering inmates classes in communication skills for job applications and interviews. Classes help inmates prepare for their upcoming release and are conducted by WorkNet volunteers. [www.sjeworknet.org](http://www.sjeworknet.org).

The Warden has regular meetings with an advisory group from the City of Tracy to recruit volunteers for inmate transition and support functions.

### **INVESTIGATION**

The Grand Jury reviewed the CDCR/DVI response to the 2008/09 Grand Jury Report consisting of five findings and two recommendations, and conducted a follow-up investigation. On November 18, 2009, DVI staff was interviewed.

### **Overcrowding** (See Appendix A, F1)

The CDCR has contracted for 8000 beds in out-of-state facilities for transferring prisoners that meet specific criteria. Long-term sentenced prisoners must be in good health, cannot be parole violators, nor have pending court proceedings. CDCR is using this method to help alleviate current over crowding conditions.

November 2, 2009 CDCR news release:

*“SACRAMENTO – In its continuing effort to reduce prison overcrowding and increase access to health care and rehabilitation programs, the California Department of Corrections and Rehabilitation (CDCR) announced today that it has amended its agreement with the Corrections Corporation of America (CCA) to temporarily house additional inmates out of state. This addendum will allow an additional 2,336 out-of-state beds to house California offenders, for a total of 10,468 beds . . .”* See complete article at:

[http://www.cdcr.ca.gov/News/2009\\_Press\\_Releases/Nov\\_02.html](http://www.cdcr.ca.gov/News/2009_Press_Releases/Nov_02.html)

### **Kitchen** (See Appendix A, F2 and R1)

An application was submitted to correct the problem and is pending funding. DVI does have capability to declare an emergency in the event of failure or crisis. Situation is being monitored as the application continues through the process.

### **Trust Restitution Accounting Canteen System (TRACS)** (See Appendix A, F3)

There has been recent implementation of the TRACS. Inmates no longer have to wait for their trust accounts to be transferred after the inmates have been moved from one institution to another. The system is functioning as intended and has greatly expedited the process for both CDCR and inmates.

### **Improper Releases** (See Appendix A, F4)

Two improper releases of inmates can be traced to the failure of staff and inadequate release procedures. DVI has amended the process and procedures for release, which include a check and balance verification with additional training of staff conforming to CDCR procedures. The Grand Jury was advised that no further problems were noted and the revised procedures are working.

**Positive Identification** (See Appendix A, F5 and R2)

There has been no further development or current ability to obtain this fingerprinting capability. CDCR Department of Adult Parole Operations (DAPO) has implemented a statewide "PhotoCapture" system to update inmate photos prior to release.

**FINDINGS**

- F1. Kitchen facility repair or replacement has not taken place.
- F5. There has been no further development or current ability to obtain a goal of positive fingerprint identification. A portable "Life-Scan" unit would provide additional flexibility for use within the prison for situations requiring immediate inmate identification. This improves prison security for guards and inmates. "Life-Scan" is currently in use with other local law enforcement agencies and beneficial to all jurisdiction(s).
- F6. Inmate relocation to out of state prisons is being used to alleviate overcrowding.
- F7. DVI has improved on-site emergency preparedness. However, no formal communication exists with other local fire jurisdictions.
- F8. A new system of updating inmate photographs (DAPO) is now in effect.

**RECOMMENDATIONS**

The Grand Jury recommends that:

- R1. CDCR fund repair/replacement of kitchen:
  - a. Respond to outstanding work orders of 2008 Food Facility Inspection
  - b. Respond to status of March 4, 2010 Memorandum concerning fire and life safety issues-culinary
- R2. CDCR implement a fixed and portable "Life-Scan" system for intake and release of inmates.
- R3. CDCR provide annual updates to the Grand Jury regarding the status of overcrowding.
- R4. CDCR establish additional on-site training and familiarization with DVI staff and other local fire jurisdictions.



## **RESPONSE REQUIRED**

California Penal Code sections 933 and 933.05 require that specific responses to all findings and recommendations contained in this report be submitted to the Presiding Judge of the Superior Court from the California Department of Correction and Rehabilitation within 90 days of publication of this report.

## APPENDIX A

### DEUEL VOCATIONAL INSTITUTION

California Department of Corrections and Rehabilitation responded to 2008/09 Grand Jury Report. This consisted of the following five findings and two recommendations:

2008/09 **Finding #1:** "The overcrowding problem that was addressed in the 2007/08 San Joaquin County report continues. The continued use of the gymnasium as a large, open dormitory and the use of former day rooms for inmate housing is evidence of the problem. The issue of overcrowding within the prison system is currently under review by the Federal Court as part of the Plata and Coleman litigation against the CDCR."

CDCR Response to finding #1: *"The California Department of Corrections and Rehabilitation CDCR agrees with your finding. Due to continued overcrowding in all State prisons, the deactivation of all DVI nontraditional beds has not yet been possible. The Department has initiated several strategies in an attempt to alleviate overcrowding within CDCR. These plans have included the housing of California inmates at out-of-state facilities and the development of evidence based programs to help reduce recidivism. The CDCR hopes these programs will ultimately lead to a reduction of the inmate population, the deactivation of these nontraditional beds, and the program space they currently occupy returned to its intended purpose".*

2008/09 **Finding #2:** "Maintenance issues, including peeling paint on the ceiling of the kitchen, were cited in the 2007/2008 San Joaquin County Grand Jury Report. The kitchen has been painted. Although the problem with the ceiling paint was remedied, the overall condition of the kitchen deserves further comment. Thousands of meals are prepared daily. It is difficult to maintain a sanitary and efficient kitchen operation while dealing with an aging and worn out kitchen facility."

CDCR Response to finding #2: *"CDCR agrees with this finding. Refer to Recommendation 1."*

2008/09 **FINDING #3:** "The recent implementation of the State Offender Management Systems (SOMS) centralized Inmate Trust Accounts. Inmates no longer have to wait for their trust accounts to be transferred when the inmate moves from the sending institution to the receiving institution. The implementation of the SOMS should significantly reduce the many questions to staff and inmate appeals regarding inmate trust accounts."

CDCR Response to finding #3: *"CDCR agrees with this finding. Please note: in response to findings on page 2 of the report, item 3, the application mentioned is incorrect. The correct IT application implemented to centralize Inmate Trust*

2008/09 **FINDING #4:** "Two DVI inmate escapes within the last year can be traced directly to the failure of staff and/or inadequate release procedures. In the first case, an inmate was released on parole earlier than he should have been, due to one or more errors in calculating his release date. In the second case, two inmates who were related conspired so that one inmate could successfully represent himself as the other. This conspiracy resulted in a mistaken-identity release."

CDCR Response to finding #4: "The Department agrees with this finding with some clarification of the facts concerning two incidents."

- "On Monday, September 08, 2008, DVI Reception Center Records staff discovered that Inmate "A" was released early on parole on August 28, 2008. The staff that audited and reviewed Inmate "A's" case for parole should have identified that Inmate "A" was a defendant in a criminal case that may have affected his parole date. However, it was also discovered that some desk procedures and office practices were inadequate, which contributed to staff mistakes. Corrective action was taken to amend desk and office procedures, and training was provided to the involved staff."
- "On Friday, October 31, 2008, it was discovered Inmate "B" was inappropriately released from the custody of DVI. Inmate "B" was processed out of DVI as a normal parole release under the identity of another inmate. Through a subsequent investigation, it was discovered Inmate "B" did not conspire nor was he related to the individual who was supposed to have paroled on that day. The investigation also revealed our releasing policies and procedures were not properly followed by staff. DVI instituted corrective action by amending its release procedures and by providing training for the staff in this area."

2008/09 **FINDING #5:** "Although DVI has improved its procedure for reviewing files and interviewing inmates, it is impossible to ensure that available staff will be personally acquainted with inmates to the extent that every inmate's identity will be known to the releasing staff. Electronic fingerprint scan hardware and software is available for scanning state and/or local databases to positively identify inmates prior to release."

CDCR Response to finding #5: "CDCR agrees with this finding. Explanation in Recommendation Number 2."

2008/09 **Recommendation #1:** "DVI develop a capital outlay budget proposal to remodel/rebuild the main kitchen."

CDCR response: "CDCR agrees with Finding #2 and with Recommendation #1 regarding the deficiencies identified in Finding #2. As such, CDCR developed a capital outlay budget proposal for the fiscal year 2009/10 that was approved in the



*2009/10 Governor's Budget, which was adopted July 28, 2009. CDCR identified funding remaining in the capital costs associated with this project. CDCR plans to submit the project for Public Works Board (PWB) approval at its October hearing. This project is currently undergoing an updated review by the State Fire Marshall (SFM) to ensure that plans are adequate and can be approved to proceed. Upon SFM review, and upon approval by the PWB, CDCR's Inmate Ward Labor program plans to complete the project within six months of approval and funding."*

2008/09 **Recommendation #2:** "DVI obtain the necessary hardware and software to do positive identification of inmates via fingerprint scan or other positive biometric identifiers when releasing inmates."

CDCR Response to recommendation #2: "CDCR agrees with this recommendation, however CDCR's current technology does not have the capability to retrieve real

*time identification from the Department of Justice (DOJ). CDCR is looking into new technologies that may give CDCR the ability to receive real time identification from DOJ. If that technology is available and information can be received from DOJ in a timely fashion, CDCR will need to seek funding and approval for the situation."*



**DIVISION OF ADULT OPERATIONS****DEUEL VOCATIONAL INSTITUTION**

P.O. Box 400

Tracy, CA 95378-0400



June 29, 2010

San Joaquin County Grand Jury  
222 East Weber Ave. Room #303  
Stockton, CA 95202

**RE: 2009 GRAND JURY RESPONSE**

Dear Judge Appel,

This letter is in response to your correspondence dated June 22, 2010, in regard to the 2009/2010 San Joaquin County Civil Grand Jury tour of Deuel Vocational Institution (DVI). I would like to thank you for taking your annual tour of DVI, and I appreciate the input you have provided me with regard to your observations. In accordance with California Penal Code section 933 I would like to take this opportunity to respond to some of the observations/suggestions noted in your letter.

**DEUEL VOCATIONAL INSTITUTION****Findings**

*F1: "Kitchen facility repair or replacement has not taken place."*

**Response**

The respondent agrees with the finding. DVI has submitted Special Repair Project requests to remodel the kitchen. DVI is waiting for funding and project approval. DVI acknowledges the importance of maintaining a clean and well maintained kitchen facility for the preparation of the thousands of meals. Therefore, the DVI maintenance department will continue to working diligently to make necessary repairs/restorations as noted in the 2008/2009 Grand Jury report (ceiling paint rectified). DVI is aware that given the age of our facility, continued maintenance of the kitchen is necessary. DVI will continue to request for funding from the Department until the necessary improvements have been made.

### **Findings**

*F5: "There has been no further development or current ability to obtain a goal of positive fingerprint identification. A portable "Life-Scan" unit would provide additional flexibility for use within the prison for situations requiring immediate inmate identification. This improves prison security for guards and inmates. "Life-Scan" is currently in use with other law enforcement agencies and beneficial to all jurisdiction(s).*

### **Response**

The respondent agrees with the finding and takes into consideration Recommendation #2; however, DVI currently utilizes all available departmentally approved identification technology during the intake and releasing process of inmates. Security improvement is a constant goal of DVI, "Life Scan" or other equivalent technology would first have to be funded and approved departmentally prior to its implementation at DVI.

### **Findings**

*F6: "Inmate relocation to out of state prisons is being used to alleviate overcrowding"*

### **Response**

The respondent agrees with the finding, and also agrees to update the Grand Jury during their yearly visit as requested in Recommendation # 3. The Department continues to utilize out-of-state facilities which have alleviated some of the overcrowding of California Department of Corrections and Rehabilitation (CDCR) Prisons. CDCR has also initiated evidence based programs and numerous parole reforms in an effort to help reduce recidivism. CDCR hopes that these programs and reforms will ultimately lead to a reduction of the inmate population.

### **Findings**

*F7: "DVI has improved on-site emergency preparedness. However, no formal communication exists with other local fire jurisdictions".*

### **Response**

The respondent agrees with the findings, and has already begun to initiate on site training and familiarization as noted on Recommendation #4. Since the Grand Jury's visit, DVI has established formal communications with local community fire departments. The DVI Fire Chief is scheduled to meet with local Fire Chiefs to coordinate training, and a mutual aid plan of action.



**Findings**

F8: "A new system of updating inmate photographs (DAPO) is now in effect".

**Response**

The application mentioned in the findings "DAPO" is incorrect. CDCR currently uses the "Photo Capture Work Station", which captures and uploads inmate photographs. These photographs are accessible to other Law Enforcement agencies including the Department of Adult Parole Operations (DAPO).

I would again like to thank all of the jury members for their report and observations. DVI has a tenured workforce that strives for excellence on a daily basis. The management at DVI always strives to enhance our security, ensure public safety, and to keep a well maintained institution. I look forward to your visit next year.

If you have any questions, feel free to contact me through my Administrative Assistant, Correctional Lieutenant, G. Valenzuela at (209) 830-3851.

Sincerely,



S. M. SALINAS

Warden

Deuel Vocational Institution

cc: R. Rackley, Chief Deputy Warden, Deuel Vocational Institution